

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

In re: Robert Zorn

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File No. 1:09-MC-86

OPINION AND ORDER  
(Paper 1)

Plaintiff Robert Zorn, proceeding *pro se*, has submitted a filing in which he references a previous federal civil action against a state court judge (Zorn v. Zimmerman, File No. 2:02-CV-193), but appears to be removing a state court action to this Court. Because of Zorn's "proclivity for filing meritless and resource-consuming claims," the Court has barred him from filing new actions without receiving prior permission. See Zorn v. Brown, File No. 1:05-CV-297 (Paper 50). The Court must therefore review Zorn's filings to determine if they are "repetitive, meritless, frivolous, malicious, intended to harass, delusional, or otherwise barred." Id.

In Brown, the Court warned that "Zorn may not avoid this order simply by adding onto existing cases." Id. (Paper 70). Zorn's current filing, submitted in part as a motion to re-open, falls within the purview of the Court's warning in Brown. The Zimmerman case was dismissed with prejudice in 2002, and affirmed on appeal in 2003. Zorn does not raise any valid basis for re-opening those decisions at this time.

The Court has also explained to Zorn that removal is a step to be taken by a defendant in a state court action. Id. (Paper 50) (citing 28 U.S.C. § 1441). Because he appears to be the plaintiff in the state court case, he cannot remove it to this Court.

Furthermore, the Court deems Zorn's current filing to be frivolous. Among other allegations, Zorn charges members of the Vermont Supreme Court with "rigging the oral argument" and of improperly referring him to Vermont Legal Aid for assistance. He also accuses the state judiciary of fraud, racketeering, and concealing judicial records. His claims are largely incomprehensible, and appear to have been triggered by benign communications from the state court defendant and the Vermont Supreme Court itself.

For these reasons, and in keeping with the Court's standing order barring Zorn from submitting any further frivolous cases, the Court construes Zorn's current filing as a motion for leave to file a new action, and the motion (Paper 1) is DENIED.

Dated at Brattleboro, in the District of Vermont, this 17<sup>th</sup> day of September, 2009.

/s/ J. Garvan Murtha  
Honorable J. Garvan Murtha  
Senior United States District Judge